

**HOGUET NEWMAN  
REGAL & KENNEY, LLP**

10 East 40th Street  
New York, New York 10016

Tel 212.689.8808  
Fax 212.689.5101  
[www.hnrklaw.com](http://www.hnrklaw.com)

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**By ECF**

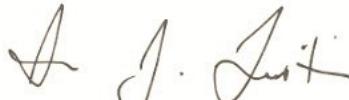
Hon. Paul G. Gardephe  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Lockheed Martin Corporation v. MTA Capital Construction Co. and Metropolitan Transp. Auth., 09-CV-6033 (PGG) (GWG)

Dear Judge Gardephe:

We represent the defendants in the above action. Yesterday, we indicated that we would make an application to strike a portion of the affidavit of Michael Gress, dated October 2, 2014. Upon further consideration, we are withdrawing our objection to Mr. Gress's affidavit.

Respectfully submitted,



Ira J. Lipton

cc: Michael Chartan, Esq. (by email)